



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 10**

1200 Sixth Avenue, Suite 900
Seattle, WA 98101-3140

OFFICE OF
ECOSYSTEMS, TRIBAL AND
PUBLIC AFFAIRS

May 17, 2010

Steve Storo
BLM Prineville District Office
3050 N.E. 3rd Street
Prineville, Oregon 97754

RE: EPA Region 10 Comments on the West Butte Wind Power Right of Way Draft
Environmental Impact Statement (EPA Project #10-003-BLM)

Dear Mr. Storo:

The U.S. Environmental Protection Agency (EPA) has reviewed the Draft Environmental Impact Statement (DEIS) for the West Butte Wind Power Right of Way (ROW) in Crook and Deschutes counties. Our review has been conducted in accordance with our responsibilities under the National Environmental Policy Act (NEPA) and Section 309 of the Clean Air Act.

The Proposed Action under consideration in the DEIS is the BLM's authorization of a 100-foot-wide, 3.9-mile-long ROW across federally administered lands for the construction and operation of an access road and transmission line. The DEIS also considers the construction and operation of the West Butte Wind Power Project (WBWP). The WBWP would be located on privately owned lands, but is analyzed as a connected action within the DEIS. Facilities associated with the development of the WBWP would include 34 to 52 wind turbines, underground and overhead electric collector lines, a substation, transmission line, switchyard, turbine access roads, an operation and maintenance facility, and up to three meteorological towers.

We appreciate the effort taken by the BLM to analyze the potential impacts associated with both the ROW and the associated wind power project. We also applaud WBWP for working with a technical advisory committee (TAC) to develop a wildlife mitigation plan. The proposed conservation easements, juniper management program, and wildlife water stations will be important mitigation actions, particularly for the sage grouse. While the analysis of impacts to sage grouse is fairly robust, we do have some concern with the analysis as it relates to other avian species.

Of particular concern is the golden eagle. According to the DEIS, the Project Area includes "ideal nesting and foraging habitats" and the wind currents around West Butte are utilized by raptors for soaring (page 3-18). According to literature, this use of slope soaring and ridge updrafts is particularly common among golden eagles. This behavior makes them more at risk to collision with wind turbines (Barrios & Rodriguez, 2004; Hoover & Morrison, 2005).

We recognize that WBWP and the BLM will consult with the US Fish and Wildlife Service (USFWS) about the need to obtain an incidental take permit pursuant to the Bald and Golden Eagle Protection Act (DEIS page 1-12), but we note that no recent population level surveys have been completed specific to golden eagles in the Project area (DEIS page 3-19). Given the noted potential for golden eagle usage of the project area, we question whether the limited, site specific bird use surveys conducted for the project are sufficient to inform that consultation.

We recommend that WBWP and the BLM work with the TAC, the Oregon Department of Fish and Wildlife (ODFW) and the USFWS to determine whether additional monitoring and analysis should be undertaken relative to raptor use of the site (specifically, longer term surveys that consider potential wind-relief interactions with the proposed project). If additional analysis indicates a potential impact to the golden eagle population, BLM and WBWP should work with the USFWS, ODFW and the TAC to identify potential mitigation measures for inclusion in the FEIS.

Finally, we recognize that the TAC is not subject to BLM control, and that the decisions regarding compensatory mitigation will be made after the issuance of the Final EIS. We recommend, however that the issuance of the ROW be conditioned upon the implementation of the mitigation measures identified by the TAC.

Based the concerns discussed above, we have assigned this draft EIS a rating of EC-2 (Environmental Concerns - Insufficient Information). A copy of the rating system used in conducting our review is enclosed for your reference.

EPA appreciates the opportunity to comment on the DEIS. If you have any questions regarding EPA's comments, please contact me at, (206) 553-8574, or Teresa Kubo of my staff at, (503) 326-2859.

Sincerely,



Christine B. Reichgott, Manager
Environmental Review and Sediment Management Unit

**U.S. Environmental Protection Agency Rating System for
Draft Environmental Impact Statements
Definitions and Follow-Up Action***

Environmental Impact of the Action

LO – Lack of Objections

The U.S. Environmental Protection Agency (EPA) review has not identified any potential environmental impacts requiring substantive changes to the proposal. The review may have disclosed opportunities for application of mitigation measures that could be accomplished with no more than minor changes to the proposal.

EC – Environmental Concerns

EPA review has identified environmental impacts that should be avoided in order to fully protect the environment. Corrective measures may require changes to the preferred alternative or application of mitigation measures that can reduce these impacts.

EO – Environmental Objections

EPA review has identified significant environmental impacts that should be avoided in order to provide adequate protection for the environment. Corrective measures may require substantial changes to the preferred alternative or consideration of some other project alternative (including the no-action alternative or a new alternative). EPA intends to work with the lead agency to reduce these impacts.

EU – Environmentally Unsatisfactory

EPA review has identified adverse environmental impacts that are of sufficient magnitude that they are unsatisfactory from the standpoint of public health or welfare or environmental quality. EPA intends to work with the lead agency to reduce these impacts. If the potential unsatisfactory impacts are not corrected at the final EIS stage, this proposal will be recommended for referral to the Council on Environmental Quality (CEQ).

Adequacy of the Impact Statement

Category 1 – Adequate

EPA believes the draft EIS adequately sets forth the environmental impact(s) of the preferred alternative and those of the alternatives reasonably available to the project or action. No further analysis of data collection is necessary, but the reviewer may suggest the addition of clarifying language or information.

Category 2 – Insufficient Information

The draft EIS does not contain sufficient information for EPA to fully assess environmental impacts that should be avoided in order to fully protect the environment, or the EPA reviewer has identified new reasonably available alternatives that are within the spectrum of alternatives analyzed in the draft EIS, which could reduce the environmental impacts of the action. The identified additional information, data, analyses or discussion should be included in the final EIS.

Category 3 – Inadequate

EPA does not believe that the draft EIS adequately assesses potentially significant environmental impacts of the action, or the EPA reviewer has identified new, reasonably available alternatives that are outside of the spectrum of alternatives analyzed in the draft EIS, which should be analyzed in order to reduce the potentially significant environmental impacts. EPA believes that the identified additional information, data, analyses, or discussions are of such a magnitude that they should have full public review at a draft stage. EPA does not believe that the draft EIS is adequate for the purposes of the National Environmental Policy Act and or Section 309 review, and thus should be formally revised and made available for public comment in a supplemental or revised draft EIS. On the basis of the potential significant impacts involved, this proposal could be a candidate for referral to the CEQ.

* From EPA Manual 1640 Policy and Procedures for the Review of Federal Actions Impacting the Environment. February, 1987.